



19 December 2011

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### **The Seville Council: uninspiring yet useful?**

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*ARI N° 14-2002 - 4.7.2002*

The Seville Council has had a somewhat mixed reception. True to form, *The Economist* derided it as “a non-event”, and described it as being “among the sleepest” EU summits in living memory. Other observers, however, claimed genuine progress had been made in the three areas which dominated the Seville agenda, namely immigration, enlargement, and institutional reform. In Spain itself, the socialist and communist opposition parties, which had assisted the trade unions in staging the first general strike endured by José María Aznar since coming to office in 1996 on the eve of the summit, were quick to read its shortcomings as evidence of his growing isolation and loss of influence in Europe. As expected, this did not prevent the Spanish prime minister from informing the European Parliament that he was “reasonably satisfied” with the outcome of the Seville Council and of the Spanish presidency as a whole.

In the run-up to the summit it was undoubtedly the decisions relating to the EU’s asylum and immigration policy that attracted most attention, though media coverage of this proved somewhat misleading. Immigration has been a major EU concern since the Tampere Council of 1999 laid down the foundations of a future area of freedom, security and justice, but Commission initiatives in this field –particularly Commissioner Antonio Vitorino’s seminal Green Paper- had been resisted fiercely by some member states, notably Germany and Austria. Precisely because of this, the presidency’s programme dedicated special attention to the fulfilment of Tampere, and announced that “Spain will place special emphasis on moving ahead in those matters which have made least progress, such as the creation of a common policy on asylum and immigration”.

In the wake of elections in France and the Netherlands earlier this year, and given the fears they unleashed of a xenophobic back-lash in Europe, the Spanish presidency rightly felt that public opinion expected the EU to address the immigration question in earnest. According to recent Commission estimates, in addition to fifteen million legal immigrants, there are currently some three million illegal ones in the EU, with a further half million entering every year. Furthermore, the latest Eurobarometers show that 80% of those polled consider that the fight against illegal immigration should rank very high in the EU’s list of priorities. Additionally, the presidency could not ignore growing concern about crime and personal security in many member states, including Germany, where these issues were already dominating public debate in the run-up to the September elections. Finally, by placing the immigration question firmly on the Seville agenda, Aznar was also responding to pressure from the Commission, whose president, Romano Prodi, had written to remind him that failure to tackle illegal immigration would undermine the EU’s ability to ensure “the harmonious integration of our existing immigrant population”. In his letter, Prodi recognised that legal immigration “is a source of vitality and energy which an ageing Europe needs”, adding that “the multicultural nature of our societies is now a reality and we must be willing to embrace all the adjustments necessary to make multiculturalism and ethnic diversity succeed”, an important statement of principle which went largely unnoticed. Fully in keeping with this philosophy, the Seville presidency conclusions duly recorded that “the integration of immigrants lawfully present in the Union entails both rights and obligations in relation to the fundamental rights recognised within the Union”, acknowledging that, in this regard, “combating racism and xenophobia is of essential importance”.

At Seville, the EU’s heads of state and government had no trouble in agreeing to a number of measures aimed at fighting illegal immigration, including a common repatriation programme and the conclusion of readmission agreements with certain countries. Some member states, including France, had expressed support for the Aznar-Blair-Berlusconi plan to create a European Border Police, but this had to be dropped in the face of stiff opposition from Sweden and Finland in particular. Instead, the Council agreed to the gradual introduction of measures leading to a co-ordinated, integrated management of the EU’s external borders, including joint operations before the end of 2002.

Most controversial of all, however, was the question of whether and how to link immigration policy to development co-operation with third countries. In the weeks prior to the Council, Tony Blair and Gerhard Schröder had advocated the possibility of imposing sanctions on countries which proved uncooperative, a position also favoured by Aznar, but strongly resisted by France’s recently re-elected president, Jacques Chirac, who was determined not to have his relations with the Magreb states conditioned by EU policy. In the event, however, Blair’s position was undermined from within by members of his own government such as the secretary of state for International Development, Clare Short, and Schröder did not fancy a confrontation with France and Sweden over this issue either, in view of which Aznar also relented. The Council

finally accepted that all future agreements with third countries will include a clause on joint management of migration flows and on compulsory readmission of illegal immigrants, and committed itself to a systematic assessment of relations with countries that are uncooperative. In theory, member states could agree to penalise these countries, but the decision would have to be unanimous, and would in any case not be allowed to jeopardise development co-operation objectives. In practice, therefore, it is difficult to see how these sanctions will go beyond the strictly political level. In addition, the Council also agreed to accelerate the definition of a common asylum policy, which should be ready by late 2003, and without which it would be impossible to create an area of freedom, security and justice in the EU.

The debate over how to finance the forthcoming enlargement of the EU also put in an appearance at Seville, albeit informally. Under the Spanish presidency, ninety-six negotiating chapters were tackled, but some serious questions remain unanswered. These mainly concerned the volume of the total budget available to finance enlargement during the period 2004-2006, the size of contributions to be made by the future members to the Community budget, and, most importantly, the question of direct aid to farmers under the Common Agricultural Policy. The EU is telling farmers in candidate countries that in 2004 they will get only 25% of the level of direct payments currently available to their EU counterparts, gradually rising to 100% over a ten-year period. This is denounced by the applicants as unfair, but some member states, notably Germany, Britain and the Netherlands, would like to do away with direct payments altogether, and Schröder has already warned that he will not support a common position on direct aid to agriculture unless the future thrust of CAP reform is clarified beforehand. Not much progress can therefore be expected on this front until after the German elections due in September, and the final decision on the financial package will have to be taken by early November at the latest if the Copenhagen Council due in December is to complete negotiations with the ten candidate countries as intended. In effect, this means the Danish presidency will have to take full advantage of a rather narrow window of opportunity if it is to succeed in finding a settlement acceptable to the EU-fifteen first, and selling it to the candidate countries, later. All of this simply goes to prove, as the Iberian and EFTA precedents taught us with a vengeance, that the key to enlargement is not the negotiation with candidate countries, but rather the deal that needs to be struck amongst existing members over the cost of admitting new ones.

The prospect of enlargement is at least having a positive impact on member states' willingness to contemplate long-overdue institutional reforms. In this as in other fields, however, the Spanish presidency did not quite achieve its goals, largely on account of determined French opposition. As far as the European Council is concerned, the heads of state and government agreed that in future this body will meet four times a year, for gatherings which will last only one full day. More importantly, in December 2002 the European Council will adopt an annual operating programme covering two presidencies, and in December 2003 it will agree to a three-year strategic programme. This was in fact an indirect way of beginning to deal with the complex question of the six-monthly rotating presidency, and implicitly, the so-called 'presidency of the Union' debate as well, matters which will be addressed in greater depth at Copenhagen.

Aznar and Javier Solana (in his capacity as secretary general of the Council) went to Seville with something far more revolutionary in mind, namely the introduction of majority voting in the European Council, but Chirac adamantly opposed this, presumably out of fear of being overruled in future over CAP reform. The Spanish tandem had also intended to split the General Affairs Council into two bodies, one of them dealing with horizontal issues and the preparation of summits, the other with all external matters, including CFSP, ESDP, foreign trade, development co-operation and humanitarian aid. On this occasion, however, it was smaller states such as Belgium, the Netherlands, Austria, Portugal and Ireland who stymied their efforts. As a result, the Seville Council opted for a somewhat bizarre formula, namely the creation of a supposedly new General Affairs and External Relations Council, which will be able to hold separate meetings, with different agendas and possibly on different dates, to discuss the two types of issues mentioned above. This curious compromise solution is largely attributable to the opposition of certain Foreign Affairs ministers who are determined not to share their virtual monopoly of EU affairs with other government departments, an attitude that threatens to render this reform largely meaningless.

On a more constructive note, with a view to improving the functioning of the Council in the run-up to enlargement, at

Seville European leaders agreed to reduce the total number of Council configurations from sixteen to nine. Although some critics argue that this reform is merely cosmetic, others are hopeful that it will lead to a more rational conduct of business. Thus, having a single council responsible for competitiveness (grouping internal market, industry and research) is fully in keeping with the Lisbon agenda, and bringing development co-operation under the realm of the General Affairs and External Relations Council may result in a more coherent policy process. In the institutional field, however, the Seville summit will probably be remembered for its decision to open Council meetings to the public when the latter is acting in accordance with the procedure for co-decision with the European Parliament. Having allowed their citizens to witness the Commission's presentation of proposals and the ensuing debate, and also the final vote and the explanations of that vote by national officials, in future governments will find it increasingly difficult to blame 'Brussels' for the EU's alleged democratic deficit.

Although they enjoyed far less prominence on the Council's agenda than some of the matters discussed above, the economic issues raised at Seville were of no little importance. The fact that it took the Ecofin meeting on 21 June over six hours to adopt the Broad Economic Policy Guidelines for 2002 was a good indication of the difficulties involved. As expected, the Council agreed that 2004 should remain the date by which to achieve a level "close to a balanced position" in countries with budget deficits, meaning that these should not exceed 0.5% of GDP by then. However, the new French government, which had recently revealed that its public deficit could reach 2.5% of GDP this year, instead of the 1.9% originally forecast, made it clear that it would only accept this goal if the French economy grew by 3% in 2003 and 2004. In a similar vein, Edmund Stoiber, who may well succeed Schröder after the September elections, warned that if he wins he would probably not be able to present a balanced budget until 2006. In short, the tension between member states favouring a flexible interpretation of the Stability and Growth Pact (a list which now includes Portugal, Italy and Britain as well as France and Germany) and those insisting on a stricter reading of the same, which was already evident at the Barcelona Council, remains unresolved and will probably continue to grow in the months ahead, with potentially serious consequences.

In sum, the Seville Council may not go down in EU history for the specific measures it adopted, but it undoubtedly succeeded in forcing European leaders and public opinion alike to take stock of the challenges that lie ahead. In years to come, some will no doubt remember Seville as the birth place of 'fortress Europe', but many more will hopefully link it to the long-overdue and somewhat hesitant launching of the EU's common asylum and immigration policy. In Spain itself, it will be difficult not to associate this summit with the general strike that preceded it, and more generally, with a growing politicisation of the European debate. The underlying lesson is perhaps obvious, but nevertheless important: as the process of European integration advances, the traditional distinction between domestic and foreign policy is being rapidly eroded, and citizens and their representatives are exercising their right to question and debate their governments' European policies with ever greater vigour and familiarity. And familiarity, as everyone knows, inevitably breeds contempt.

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